IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4576 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ARNATH ENTERPRISES, THROUGH MANAGER,PRAKASHBHAI KAPADIA

Versus

STATE OF GUJARAT, THROUGH SECRETARY

Appearance:

MR H.S.MULIA for Petitioner

Mr.B.Y.Mankad, AGP for respondent-State

MR JR NANAVATI for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 14/09/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution the petitioner has prayed for a direction to set aside the order passed by the Managing Director of respondent No.2-Gujarat State Seeds Corporation Ltd

deducting certain amounts on the ground of late delivery of poplin cloth and also certain other deductions aggregating in all Rs.82,925.40ps.

Various grounds are urged in support of the petition. It is however, not necessary to refer to them for the simple reason that the petition involves disputed questions of fact pertaining to execution of a contract for supply of goods. If the petitioner is aggrieved by any decision of the respondent authority, it is open to the petitioner to make a representation before the authority or to file a Civil Suit for recovery of amounts.

This petition is disposed of accordingly only the ground that this Court would not entertain a petition which involves disputed questions of fact regarding execution of contract.

It is clarified that the Court has not gone into the merits of contentions raised by the petitioner and rejection of this petition may not be treated as an expression of opinion on merits.

Rule is dicharged. There shall be no order as to costs.

14.9.2000 (M.S.SHAH,J)